

### REMARKS

This Application has been carefully reviewed in light of the Office Action mailed on January 20, 2006 ("Office Action"). Claims 1-26 are pending in the application and stand rejected. Applicants note that numerous claim amendments were made merely for readability and do not affect the scope of the particular claim (or claims depending therefrom). Applicants respectfully request reconsideration and favorable action in this case.

#### Petition to Make Special and Information Disclosure Statement

Applicants would like to note that a Petition to Make Special under 37 C.F.R. §1.102(d) was filed by Applicants on November 30, 2005. Also, Applicants filed an Information Disclosure Statement and PTO Form 1449 on January 18, 2006. At least some of the cited references were included with the Petition to Make Special, which was granted on February 1, 2006. Applicants cited the U.S. patent numbers for any previously cited application publications included with the Petition as appropriate. Applicants respectfully request that the Examiner consider the references and provide the appropriate indication that the cited items were considered.

#### The Claims are allowable over *Feeney* even in view of the other cited art

The Office Action rejects the claims under 35 U.S.C. §103(a):

- Claims 1-5 and 8-16 as being unpatentable over U.S. Patent Application No. 2002/0032582 to Feeney ("*Feeney*") in view of U.S. Patent Number 6,549,956 to Bass ("*Bass*");
- Claim 6 as being unpatentable over *Feeney* in view of *Bass* and further in view of U.S. Patent Application Publication 2002/0052760 to Munoz ("*Munoz*");
- Claim 7 as being unpatentable over *Feeney* in view of *Bass* and further in view of PDXinc.com ("*PDXinc.com*");
- Claims 19-20 and 22-23 under *Feeney* in view of U.S. Patent Application Publication 2003/0093321 to Bodmer ("*Bodmer*") and U.S. Patent Application Publication 2003/0093307 to Renz ("*Renz*");
- Claim 21 as being unpatentable over *Feeney* in view of *Bodmer* and *Renz* and in further view of U.S. Patent No. 6,049,787 to Takahashi et al. ("*Takahashi*"); and
- Claim 24 as being unpatentable over *Feeney* in view of U.S. Patent Application Publication 2002/0038259 to Bergman ("*Bergman*").

At the outset, Applicants respectfully traverse these rejections and the assertions and holdings therein. Put simply, *Feeney* (the primary reference) doesn't disclose what the Office Action asserts. For example, the Office Action cites ¶177, with a medical office system 10 and a central system 28, in an effort to show "pharmacy prescription processing subsystem" and "central fill prescription processing subsystem," respectively.<sup>1</sup> But even if these comparisons are accurate, which Applicants dispute, *Feeney* does not teach that its central system 28 dispenses "a plurality of drugs from the central fill inventory" as recited in example Claim 1.<sup>2</sup> Instead, the invention of *Feeney* creates "a system of dispensing medication and information *at the point-of-service* while incorporating data management into the dispensing process." *Feeney*, ¶ 168 (emphasis added). More specifically, *Feeney* describes a medical (physician's) office that dispenses pharmaceuticals based on communications with the central system.<sup>3</sup> Indeed, the cited portion of *Feeney* explicitly recites that the dispenser 24 is "in the physician office." *Id.* ¶177; *see id.*, ¶¶ 168, 175, 176, 178, and 181-185. There is no suggestion in *Feeney* that the central system, what the Office Action equates with the "central fill prescription processing subsystem," dispenses anything.<sup>4</sup> In other words, even if the "pharmacy prescription processing subsystem" of Claim 1 could comprise or be associated with a doctor's office, *Feeney* simply fails to teach, suggest, or disclose "the central fill prescription processing subsystem operable to ... dispense a plurality of drugs from the central fill inventory, the dispensed plurality of drugs associated with the plurality of filled prescription requests" that were received at a "pharmacy prescription

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<sup>1</sup> While not necessary to distinguish the present claims from the cited art, it should be noted that the Office Action seems to compare the doctor's office of *Feeney* to the "pharmacy prescription processing subsystem" of Claim 1 and the pharmacy of *Feeney* to the "central fill prescription processing subsystem" of Claim 1.

<sup>2</sup> In fact, the background of *Feeney* attempts to show purported problems with other dispensing techniques at the doctor's office. Specifically, "[t]he details of sample medication dispensing vary from office to office; however, most medical office dispensing procedures have common elements. Generally, samples are stored in locked cabinets in multiple areas throughout the medical office. Cabinets are usually unlocked in the morning and remain unlocked throughout the business day for easy, rapid access." *Id.*, ¶ 11.

<sup>3</sup> In another example, *Feeney* talks about its *front office* server that help manage the dispensing. "The front office server 12 can be a database and web server machine, for example. *The front office server can be located in a physician or medical office.* It can serve data to the user interface kiosks 14 described herein. It can be also the point of communication between the physician's office and the backend or central systems 28 described herein." *Id.*, ¶ 191 (emphasis added).

<sup>4</sup> The central system may be coupled to an enterprise resource planning system (ERP) that includes a fulfillment module that, according to both the claims and specification, manages "product order requests" to restore inventory at the doctor's office. *See id.*, ¶¶ 196. *Feeney* certainly appears to indicate, at least through *Feeney's* use of the terms, that its order fulfillment and dispensing are considered distinct.

processing subsystem” as recited in example Claim 1. The other independent claims, while perhaps not identical in scope, include similar recitations such as, for example, “sending the prescription fill queue including at least the first prescription request to a dispensing system associated with the central fill inventory for filling.”

For at least these reasons, Applicant submits that *Feeney* fails to teach, suggest, or disclose – indeed seems to teach against – certain aspects of the present claims. The other art cited in the rejections, such as *Bass*, fail to account for the deficiencies of *Feeney*. Accordingly, Applicant requests reconsideration and allowance of Claims 1-24.

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Serial No. : 09/996,100  
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CONCLUSION

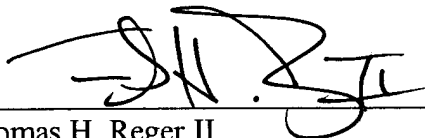
Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all Claims.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicants hereby request a telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

Applicants are enclosing a check in the amount of \$50 for the additional claims. Although no other fees are believed to be due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to deposit account 06-1050.

Respectfully submitted,

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